

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

NEKIA TURNER,

Petitioner,

v.

**CIVIL ACTION NO.: 3:23-CV-18
(GROH)**

SFF HAZELTON,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

Now before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 6. Pursuant to the Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. Judge Trumble issued an R&R on June 23, 2023, recommending that the Petitioner’s Petition for Habeas Corpus pursuant to 28 U.S.C. § 2241 [ECF No. 1] be denied and dismissed with prejudice.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a de novo review of those portions of the magistrate judge’s findings to which objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and of the Petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91,

94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Petitioner being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). However, mail sent to the Petitioner at her current address was returned as undeliverable on June 27, 2023. ECF Nos. 7, 8. Further, it appears to the Court that the Petitioner is no longer incarcerated at the Hazelton Secure Female Facility, as listed on the docket.¹ Under this Court's Local Rules, all pro se prisoner litigants must notify the Court "within ten (10) days of the change of address." LR PL P 6. "Failure to notify the Clerk of Court of an address change will result in dismissal of the prisoner's case." Id.

As of the date of this Order, no objections have been filed. Therefore, after allowing additional time for transit in the mail, the Court finds that the deadlines for the Petitioner to update the Court of her change of address and to submit objections to the R&R have passed. Accordingly, this Court will review the R&R for clear error.


Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 6] should be, and is hereby, **ORDERED ADOPTED**. For the reasons more fully stated in the R&R, the Petitioner's Petition for Habeas Corpus pursuant to 28 U.S.C. § 2241 [ECF No. 1] is **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is **DIRECTED** to **STRIKE** this case from the Court's active docket. The Clerk is **FURTHER DIRECTED** to mail a copy of this Order to the pro se Petitioner by certified mail, return receipt requested, at her last known address as reflected on the docket sheet. Additionally, the Clerk is **FURTHER DIRECTED** to retain a

¹ According to the Bureau of Prisons Inmate Lookup, the Petitioner is now housed at FCI Perkin. https://www.bop.gov/mobile/find_inmate/byname.jsp.

copy of this Order in the event that the Petitioner updates her address with this Court as required by the Local Rules.

DATED: July 24, 2023


GINA M. GROH
UNITED STATES DISTRICT JUDGE